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5 **UNITED STATES BANKRUPTCY COURT**  
6 **DISTRICT OF NEVADA**

7  
8 In re:  
9 MIER, RICHARD ANTHONY,  
10 MIER, JEANNIE GASY  
11 Debtor(s).

CASE NO.: BK-S-09-25863-LBR

IN CHAPTER 13 PROCEEDINGS

Hearing Date: December 22, 2010  
Hearing Time: 10:30 AM

13 **OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY**

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15 COMES NOW, RICHARD ANTHONY MIER & JEANNIE GASY MIER  
16 (hereinafter the “Debtors”), by and through their attorney, CHARLES T. WRIGHT,  
17 ESQ., of the law firm of PIET & WRIGHT, and respectfully request this Court to deny  
18 the MOTION FOR RELIEF FROM THE AUTOMATIC STAY filed by **WELLS**  
19 **FARGO BANK, N.A.**, by and through its attorney, GREGORY L. WILDE, ESQ. of  
20 WILDE & ASSOCIATES, as follows:

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22 **POINTS AND AUTHORITIES**

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24 11 U.S.C. Section 362(d)(1) states that the Court may terminate, modify or  
25 condition stay

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27 “for cause, including the lack of adequate protection of an interest  
in property of such party in interest;---“

28  
29 11 USC Section 362(d)(2) the Court may terminate, modify or condition a stay

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1 "with respect to a stay of an act against property under subsection  
2 (a) of this section, if –

- 3 (A) the debtors do not have an equity in such property AND  
4 (B) such property is not necessary to an effective  
5 reorganization"

6 **STATEMENT OF FACTS**

7 Debtors' property has liens of approximately \$369,591.00 for the property  
8 located at 2305 CASHMRE WAY, LAS VEGAS, NV 89074. Debtors believe that they  
9 do not have any equity in the property.

10 11 U.S.C. Section 361(1) may apply as:

- 11 1. Debtors acknowledge that if they are late on the post petition payments,  
12 they will need some time to acquire the necessary funds to cure all post-petition  
13 arrearages.  
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15 2. Debtors intentions are to stay current on future post-petition payments.  
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17 3. This property is subject to setoff to U.S.C. Sections 506 and 1123(b)(5).

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1 THEREFORE, Debtors request that the Motion filed be denied under 11 U.S.C.  
2 Section 362(d)(1) or (2), and that any action on creditor's behalf be stayed for an  
3 adequate amount of time to allow Debtors to become current on the post petition  
4 arrearages and/or to stipulate to an Adequate Protection Order.  
5

6 Dated this 2<sup>nd</sup> day of December, 2010.

7 Respectfully submitted,

8 PIET & WRIGHT

9 By: /s/ Charles T. Wright  
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